
IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIAH KEISHA BUTLER,

Defendant.

**ORDER TO CONTINUE JURY TRIAL
AND EXCLUDING TIME UNDER THE
SPEEDY TRIAL ACT**

Case No. 1:20 CR 23 HCN

Based on the Stipulated Motion to Continue Jury Trial filed by Defendant, Mariah Keisha Butler, and good cause appearing, the Court makes the following findings:

1. Defendant was arraigned on June 19, 2020, and trial was scheduled trial for August 25, 2020, which was within the time allowed under the Speedy Trial Act.

2. Time has been excluded under the Speedy Trial Act from the date of the oral motion for a competency evaluation made in court on September 27, 2021, until the finding of competence was made in court on April 27, 2023.¹ *See* 18 U.S.C. §§ 3161(h)(1)(a). From the date of Ms. Butler's initial appearance on June 19, 2020, until the making of the oral motion for a competency evaluation, the Court was under a series of General Orders continuing all trials and excluding time under the Speedy Trial Act.²

3. On April 28, 2023, Defendant filed a motion requesting a trial date,³ and the Court set the current trial date of September 12, 2023.⁴

¹ Doc. No. 76.

² See General Orders 20-008 through 22-010.

³ Doc. No. 77.

⁴ Doc. No. 78.

4. Defendant has moved to continue trial pursuant to 18 U.S.C. § 3161(h)(7). This is Defendant's first request for continuance of the trial in this matter.

5. The length of delay requested is 120 days.

6. Defendant seeks a continuance under 18 U.S.C. § 3161(h)(7)(A), which allows this court to grant a motion to continue if it finds that the ends of justice served by the granting of the continuance outweigh the best interests of the public and the defendant in a speedy trial.

7. The facts that support this allegation include the following:

- a. Counsel and the social worker have met with Ms. Butler and interviewed her concerning her social history. Counsel has also interviewed her mother for the same information. An investigator has been collecting social history records. Counsel and the investigator have visited some of the places that might have records in hopes of getting more information. Additional time is needed to collect records and conduct more interviews.
- b. Counsel has made attempts to contact counsel on the state matter, and has consulted with the Government to see if the Government can facilitate cooperation between the state and federal cases. Counsel will continue to attempt to make progress in this arena in an effort to find a global settlement of the two cases that Ms. Butler faces.
- c. The defense team social worker is attempting to get a trauma specialist to provide therapy for Ms. Butler to keep her moving forward in a healthy manner.
- d. Once the investigation is complete, counsel may seek a trauma informed evaluation of Ms. Butler to supplement the evaluations that have been done to this point.

e. Defense counsel also needs additional time to consult with the Government about the possibility of settlement, and to meet again with Defendant in order to confer concerning her wishes for disposition of the case.

8. Counsel for the Government, Carol Dain, has been consulted and she stipulates to the requested continuance.

9. Defendant is detained. She has been counseled as to her rights under the STA and waives her right to a speedy trial. She agrees that the defense will not be hindered or prejudiced by the delay.

10. There are no co-defendants.

Based on the foregoing findings, the court concludes that failure to grant a continuance would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(7)(B)(i). Therefore, the ends of justice served by such a continuance outweigh the best interests of the public and Defendant in a speedy trial.

IT IS HEREBY ORDERED that the jury trial scheduled to begin September 12, 2023, is continued to the ____ day of _____, 2023 at ____ a.m. The time between the filing of the Stipulated Motion to Continue and the new trial date is excluded from speedy trial computations for good cause.

DATED this ____ day of August, 2023.

BY THE COURT:

HOWARD C. NIELSON, JR.
United States District Court Judge